UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,777	04/27/2001	Vince Roche	2920	1699

7590 10/22/2004	EXAMINER

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ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/844,777	ROCHE ET AL.
	Examiner	Art Unit
	Benjamin R Bruckart	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 April 2001</u>.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

Claims 1-16 are pending in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent granted
on an application for patent by another filed in the United States before the invention by the applicant
for patent, except that an international application filed under the treaty defined in section 351(a) shall
have the effects for purposes of this subsection of an application filed in the United States only if the
international application designated the United States and was published under Article 21(2) of such
treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.
Patent No 6,446,119 by Olah et al.

Regarding claim 1, a method of monitoring computer activity on at least one computer in

a network of computers (Olah: col. 5, lines 21-33), each of said computer having a

display, an input device and access to an Internet (Olah: col. 5, lines 50; col. 9, lines 20-

34), said method comprising the steps of:

        selecting a computer in said network (Olah: col. 5, lines 61-64);

        determining when the computer is on the Internet (Olah: col. 8, lines 18-49);

        periodically and automatically sampling an image on said display of said

computer when said computer is on said Internet and storing said sampled image to a

database (Olah: col. 4, line 29-35);

        retrieving said sampled image from said database (Olah: col. 6, line 66- col. 7 line

14); and

        displaying said sampled image (Olah: col. 7, line 15-30).

Regarding claim 2, the method of claim 1 further comprising the steps of selecting a time period in which said sampled image was sampled and displaying said sampled image (Olah: Figure 4; col. 7, lines 15-26).

Regarding claim 3, the method of claim 2 wherein said time period is an hour (Olah: Figure 4; col. 7, lines 15-26).

Regarding claim 4, the method of claim 2 wherein said time period is a minute (Olah: col. 6, lines 41-56).

Regarding claim 5, the method according to claim 2 further comprising the step of selecting a sampling rate of a number of said sampled image stored per unit of time (Olah: Figure 4; col. 7, lines 15-26).

Regarding claim 6, the method according to claim 5 wherein said sampled image is sampled at random intervals (Olah: col. 8, lines 57-60; col. 7, line 66).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No 6,446,119 by Olah et al in view of U.S. Patent No. 3,596,388 by Shorten.

Regarding claim 7,

The Olah reference teaches the method of claim 2 further including the step of displaying said time period, and wherein said time period is if there is no sampled image

stored for said time period (Olah: col. 7, lines 31-50) and if there is a sampled image stored for said time period (Olah: Figures 4 and 6; col. 6, lines 66- col. 7, lines 30).

The Olah reference does not explicitly state use of color codes.

The Shorten reference teaches the use of color code in a novel information control system (Shorten: col. 1, lines 34-45, lines 57-66).

The Shorten reference further teaches the color code system renders an immediate visual indication of the current status of various items of stock over a specified time (Shorten: col. 1, lines 19-31).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of monitoring computer activity as taught by Olah while using color codes as taught by Shorten in order to provide quick and inexpensive visual indication of the current status of various items over a specified time (Shorten: col. 1, lines 19-31).

Claims 8-9 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Olah et al and Shorten.

Regarding claim 8, the method according to claim 7 further comprising the step of simultaneously displaying a plurality of said sampled images, in thumbnail form, retrieved from said database, and wherein said thumbnail said images are enlargable (Olah: col. 9, lines 27-34; Figures 4 and 6).

Regarding claim 9, the method of claim 8 wherein said time period is selectable to be a third color code which indicates that said sampled image during said time period are of an approvable nature (Shorten: col. 6, lines 42-45; white tag on accepted object).

Claim 10 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No 6,446,119 by Olah et al in view of U.S. Patent No. 3,596,388 by Shorten in further view of U.S. Patent No. 5,764,886 by Maniwa.

Regarding claim 10,

The Olah and Shorten references teach the method according to claim 9.

The Olah and Shorten references do not explicitly state deleting images after a predetermined time but do teach deletion.

The Maniwa reference teaches the step of automatically deleting said stored sampled images after a pre-determined time period (Maniwa: col. 22, lines 48-51).

The Maniwa reference further teaches the memory is freed as much as possible to provide a better working environment for users (Maniwa: col. 22, lines 51-54).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of monitoring computer activity as taught by Olah and Shorten while deleting images after a predetermined time as taught by Maniwa in order to free up memory as much as possible to provide a better working environment for users (Maniwa: col. 22, lines 51-54).

Claim 11 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No 6,446,119 by Olah et al in view of U.S. Patent No. 5,764,886 by Maniwa.

Regarding claim 11,

The Olah reference teaches a method of monitoring computer activity on at least one computer in a network of computers (Olah: col. 5, lines 21-33), each of said computer having a display, an input device and access to an Internet (Olah: col. 5, lines 50; col. 9, lines 20-34), said method comprising the steps of:

displaying:

a) a list of computers which can be monitored (Olah: col. 5, lines 61- col. 6, line 4),

b) a sampling rate field from which a sampling rate per unit of time can be selected in which a sampled image is saved to a database (Olah: col. 6, lines 17-56);

c) a list of days (Olah: col. 6, lines 41-56; Figure 4),

selecting a computer from said list of computers (Olah: col. 5, lines 61-64);

selecting a sampling rate per unit of time (Olah: col. 6, lines 52-56);

determining when said selected computer is on the Internet (Olah: col. 8, lines 18-49);

automatically storing said sampled image to said database according to said sampling rate (Olah: col. 4, line 29-35);

selecting a day from said list of days (Olah: Figure 4; col. 7, lines 15-26);

displaying a list of hours corresponding to said selected day (Olah: Figure 4; col. 7, lines 15-26);

selecting a hour from said list of hours (Olah: Figure 4; col. 7, lines 15-26);

retrieving said sampled image that corresponds to said hour from said database (Olah: col. 6, line 66- col. 7 line 14);

displaying said sampled image (Olah: col. 7, line 15-30).

The Olah reference does not explicitly deleting expired images but does teach deletion of images.

The Maniwa reference teaches the step of automatically deleting said stored sampled images after a pre-determined time period (Maniwa: col. 22, lines 48-51).

The Maniwa reference further teaches the memory is freed as much as possible to provide a better working environment for users (Maniwa: col. 22, lines 51-54).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of monitoring computer activity as taught by Olah and Shorten while deleting images after a predetermined time as taught by Maniwa in order to free up memory as much as possible to provide a better working environment for users (Maniwa: col. 22, lines 51-54).

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No 6,446,119 by Olah et al in view of U.S. Patent No. 5,764,886 by Maniwa in further view of U.S. Patent No. 3,596,388 by Shorten.

Regarding claim 12,

The Olah reference teaches the method of claim 11 further comprising the step of displaying each day in said list of days and each hour in said list of hours (Olah: Figure 4;

col. 7, lines 15-26) that said sampled image exist for said each day and for said each hour (Olah: col. 6, lines 66-col. 7, line 30).

The Olah reference does not explicitly state color codes.

The Shorten reference teaches the use of color code in a novel information control system individually identifies its status (Shorten: col. 1, lines 34-45, lines 57-66).

The Shorten reference further teaches the color code system renders an immediate visual indication of the current status of various items of stock over a specified time (Shorten: col. 1, lines 19-31).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of monitoring computer activity as taught by Olah while using color codes as taught by Shorten in order to provide quick and inexpensive visual indication of the current status of various items over a specified time (Shorten: col. 1, lines 19-31).

Claims 13-15 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Olah et al and Shorten.

Regarding claim 13, the method of claim 12 wherein said sampled image is displayed in thumbnail form, which are enlargeable (Olah: col. 9, lines 27-34; Figures 4 and 6).

Regarding claim 14, the method of claim 13 further comprising the steps of selecting a maximum number of sampled images that can be simultaneously displayed (Olah: col. 6, lines 66- col. 7, line 30; Figure 4) and selecting said predetermined time period in which said sampled image are deleted from said database (Maniwa: col. 22, lines 40-50).

Regarding claim 15, the method of claim 14 further comprising the step of displaying a list of minutes corresponding to said selected hour (Olah: Figure 5; col. 6, lines 66- col. 7, line 30) wherein each minute of said minutes is when no sampled image for said minute is stored (Olah: col. 7, lines 31-50) and when said sampled image is stored for said

minute (Olah: Figures 4 and 6; col. 6, lines 66- col. 7, lines 30) and when there has been no input from said input device during said minute (Olah: col. 8, lines 40-49).

Claim 16 is rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No 6,446,119 by Olah et al in view of U.S. Patent No. 3,596,388 by Shorten.

Regarding claim 16, a method of monitoring computer activity on at least one computer in a network of computers (Olah: col. 5, lines 21-33), each of said computer having a display, an input device and access to an Internet (Olah: col. 5, lines 50; col. 9, lines 20-34), said method comprising the steps of:

displaying a first screen display having

a) a list of computers which can be monitored (Olah: col. 5, lines 61- col. 6, line 4), and

b) a sampling rate field (Olah: col. 6, lines 17- 56);

displaying a second screen having

a) a list of days including a list of individual days (Olah: Figure 4; col. 7, lines 15-26) color coded a first color code if there is no said sampled image stored in the database and a second color code if there is said sampled image stored in the database per inch corresponding said individual days,

b) a list of hours including a list of individual hours (Olah: Figure 4, col. 6, lines 41-56) color coded the first color code if there is no said sampled image stored in the database (Olah: col. 7, lines 31-50) and the second color code if there is said sampled image stored in the database for reach corresponding said individual hours (Olah: Figures 4 and 6; col. 6, lines 66- col. 7, lines 30); and

displaying a third screen having

a) at least one of said sampled image (Olah: col. 7, lines 15-30).

The Olah reference does not explicitly state use of color codes.

The Shorten reference teaches the use of color code in a novel information control system (Shorten: col. 1, lines 34-45, lines 57-66).

The Shorten reference further teaches the color code system renders an immediate visual indication of the current status of various items of stock over a specified time (Shorten: col. 1, lines 19-31).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of monitoring computer activity as taught by Olah while using color codes as taught by Shorten in order to provide quick and inexpensive visual indication of the current status of various items over a specified time (Shorten: col. 1, lines 19-31).

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 6,192,403 issued to Jong et al is another 102 reference on the independent claims for monitoring usage.

U. S. Patent No. 5,726,770 issued to Harada teaches deleting images after a predetermined amount of time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324 until 10/27/2004 and 571-272-3982 after. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662 until 10/27/2004 and 571-

272-3978 after. The fax phone numbers for the organization where this application or

proceeding is assigned are (703) 872-9306 for regular communications and After Final

communications.

    Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

0324 until 10/27/2004 and 571-272-3982 after.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb
October 18, 2004

HOSAIN ALAM
ADVISORY PATENT EXAMINER